

SENATE BILL No. 364

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2; IC 20-19-4-10; IC 20-20; IC 20-24; IC 20-26-15; IC 20-28; IC 20-30-2-2.2; IC 20-31; IC 20-32; IC 20-33-2-13.

Synopsis: Academic progress test. Replaces the ISTEP test program with the Measures of Academic Progress assessment system. Repeals a definition concerning the ISTEP test program. Makes conforming changes.

Effective: July 1, 2006.

Waterman

January 11, 2006, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 364

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-18-2-1.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2006]: **Sec. 1.5. "Assessment program" refers to the testing**
- 4 **program administered under IC 20-32-5.**
- 5 SECTION 2. IC 20-18-2-6, AS ADDED BY P.L.1-2005, SECTION
- 6 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 7 2006]: Sec. 6. "Graduation examination" means the test designated by
- 8 the board under the ~~ISTEP~~ **assessment** program.
- 9 SECTION 3. IC 20-19-4-10, AS ADDED BY P.L.1-2005,
- 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2006]: Sec. 10. The roundtable shall review and recommend
- 12 to the state board for the state board's approval the following:
- 13 (1) The academic standards under IC 20-31-3, IC 20-32-4,
- 14 IC 20-32-5, and IC 20-32-6 for all grade levels from kindergarten
- 15 through grade 12.
- 16 (2) The content and format of the ~~ISTEP~~ **assessment** program,
- 17 including the following:



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(A) The graduation examination.

(B) The passing scores required at the various grade levels tested under the **ISTEP assessment** program.

SECTION 4. IC 20-20-8-6, AS ADDED BY P.L.169-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A report must contain the following:

(1) The information listed in section 8 of this chapter for each of the preceding three (3) years.

(2) Additional components determined under section 7(4) of this chapter.

(3) Additional information or explanation that the governing body wishes to include, including the following:

(A) Results of nationally recognized assessments of students under programs other than the **ISTEP assessment** program that a school corporation, including a charter school, uses to determine if students are meeting or exceeding academic standards in grades that are tested under the **ISTEP assessment** program.

(B) Results of assessments of students under programs other than the **ISTEP assessment** program that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the **ISTEP assessment** program.

(C) The number and types of staff professional development programs.

(D) The number and types of partnerships with the community, business, or higher education.

(E) Levels of parental participation.

SECTION 5. IC 20-20-8-8, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6).

(3) Attendance rate.

(4) The following test scores, including the number and percentage of students meeting academic standards:

(A) **ISTEP Assessment** program test scores.

(B) Scores for assessments under IC 20-32-5-21, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

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(6) The number and percentage of students in the following groups or programs:

- (A) Alternative education, if offered.
- (B) Vocational education.
- (C) Special education.
- (D) Gifted or talented, if offered.
- (E) Remediation.
- (F) Limited English language proficiency.
- (G) Students receiving free or reduced price lunch under the national school lunch program.

(7) Advanced placement, including the following:

- (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
- (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.

(8) Course completion, including the number and percentage of students completing the following programs:

- (A) Academic honors diploma.
- (B) Core 40 curriculum.
- (C) Vocational programs.

(9) The percentage of grade 8 students enrolled in algebra I.

(10) The percentage of graduates who pursue higher education.

(11) School safety, including the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(12) Financial information and various school cost factors, including the following:

- (A) Expenditures per pupil.
- (B) Average teacher salary.
- (C) Remediation funding.

(13) Technology accessibility and use of technology in instruction.

(14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

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(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

(19) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 6. IC 20-20-26-3, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Readiness testing under this chapter is in addition to ~~ISTEP~~ **assessment** program testing under IC 20-32-5.

SECTION 7. IC 20-20-31-10, AS ADDED BY P.L.246-2005, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department and the advisory board of the division of professional standards established by IC 20-28-2-2. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ~~ISTEP~~ **assessment** program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

SECTION 8. IC 20-24-4-1, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by a sponsor and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

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- 1 (4) Confirm the status of a charter school as a public school.
- 2 (5) Be granted for:
 - 3 (A) not less than three (3) years; and
 - 4 (B) a fixed number of years agreed to by the sponsor and the
 - 5 organizer.
- 6 (6) Provide for:
 - 7 (A) a review by the sponsor of the charter school's
 - 8 performance, including the progress of the charter school in
 - 9 achieving the academic goals set forth in the charter, at least
 - 10 one (1) time in each five (5) year period while the charter is in
 - 11 effect; and
 - 12 (B) renewal, if the sponsor and the organizer agree to renew
 - 13 the charter.
- 14 (7) Specify the grounds for the sponsor to:
 - 15 (A) revoke the charter before the end of the term for which the
 - 16 charter is granted; or
 - 17 (B) not renew a charter.
- 18 (8) Set forth the methods by which the charter school will be held
- 19 accountable for achieving the educational mission and goals of
- 20 the charter school, including the following:
 - 21 (A) Evidence of improvement in:
 - 22 (i) assessment measures, including the **ISTEP assessment**
 - 23 **program** and the graduation examination;
 - 24 (ii) attendance rates;
 - 25 (iii) graduation rates (if appropriate);
 - 26 (iv) increased numbers of Core 40 diplomas (if appropriate);
 - 27 and
 - 28 (v) increased numbers of academic honors diplomas (if
 - 29 appropriate).
 - 30 (B) Evidence of progress toward reaching the educational
 - 31 goals set by the organizer.
- 32 (9) Describe the method to be used to monitor the charter
- 33 school's:
 - 34 (A) compliance with applicable law; and
 - 35 (B) performance in meeting targeted educational performance.
- 36 (10) Specify that the sponsor and the organizer may amend the
- 37 charter during the term of the charter by mutual consent and
- 38 describe the process for amending the charter.
- 39 (11) Describe specific operating requirements, including all the
- 40 matters set forth in the application for the charter.
- 41 (12) Specify a date when the charter school will:
 - 42 (A) begin school operations; and

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- 1 (B) have students attending the charter school.
- 2 (13) Specify that records of a charter school relating to the
- 3 school's operation and charter are subject to inspection and
- 4 copying to the same extent that records of a public school are
- 5 subject to inspection and copying under IC 5-14-3.
- 6 (14) Specify that records provided by the charter school to the
- 7 department or sponsor that relate to compliance by the organizer
- 8 with the terms of the charter or applicable state or federal laws are
- 9 subject to inspection and copying in accordance with IC 5-14-3.
- 10 (15) Specify that the charter school is subject to the requirements
- 11 of IC 5-14-1.5.
- 12 SECTION 9. IC 20-24-9-2, AS ADDED BY P.L.1-2005, SECTION
- 13 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 14 2006]: Sec. 2. An annual report under this chapter must contain the
- 15 following information for a charter school:
- 16 (1) Results of all standardized testing, including ~~ISTEP~~
- 17 **assessment** program testing and the graduation examination.
- 18 (2) A description of the educational methods and teaching
- 19 methods employed.
- 20 (3) Daily attendance records.
- 21 (4) Graduation statistics (if appropriate), including attainment of
- 22 Core 40 and academic honors diplomas.
- 23 (5) Student enrollment data, including the following:
- 24 (A) The number of students enrolled.
- 25 (B) The number of students expelled.
- 26 (C) The number of students who discontinued attendance at
- 27 the charter school and the reasons for the discontinuation.
- 28 SECTION 10. IC 20-26-15-5, AS ADDED BY P.L.1-2005,
- 29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2006]: Sec. 5. Notwithstanding any other law, the operation
- 31 of the following is suspended for a freeway school corporation or a
- 32 freeway school if the governing body of the school corporation elects
- 33 to have the specific statute or rule suspended in the contract:
- 34 (1) The following statutes and rules concerning curriculum and
- 35 instructional time:
- 36 IC 20-30-2-7
- 37 IC 20-30-5-8
- 38 IC 20-30-5-9
- 39 IC 20-30-5-11
- 40 511 IAC 6-7-6
- 41 511 IAC 6.1-3-4
- 42 511 IAC 6.1-5-0.5

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- 1 511 IAC 6.1-5-1
- 2 511 IAC 6.1-5-2.5
- 3 511 IAC 6.1-5-3.5
- 4 511 IAC 6.1-5-4.
- 5 (2) The following rule concerning pupil/teacher ratios:
- 6 511 IAC 6.1-4-1.
- 7 (3) The following statutes and rules concerning textbooks:
- 8 IC 20-20-5-1 through IC 20-20-5-4
- 9 IC 20-20-5-23
- 10 IC 20-26-12-24
- 11 IC 20-26-12-26
- 12 IC 20-26-12-28
- 13 IC 20-26-12-1
- 14 IC 20-26-12-2
- 15 511 IAC 6.1-5-5.
- 16 (4) 511 IAC 6-7, concerning graduation requirements.
- 17 (5) IC 20-31-4, concerning the performance based accreditation
- 18 system.
- 19 (6) IC 20-32-5, concerning the ~~ISTEP~~ **assessment** program
- 20 established under IC 20-32-5-15, if an alternative locally adopted
- 21 assessment program is adopted under section 6(7) of this chapter.
- 22 SECTION 11. IC 20-26-15-6, AS ADDED BY P.L.1-2005,
- 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2006]: Sec. 6. Except as provided in this chapter and
- 25 notwithstanding any other law, a freeway school corporation or a
- 26 freeway school may do the following during the contract period:
- 27 (1) Disregard the observance of any statute or rule that is listed in
- 28 the contract.
- 29 (2) Lease school transportation equipment to others for nonschool
- 30 use when the equipment is not in use for a school corporation
- 31 purpose, if the lessee has not received a bid from a private entity
- 32 to provide transportation equipment or services for the same
- 33 purpose.
- 34 (3) Replace the budget and accounting system that is required by
- 35 law with a budget or accounting system that is frequently used in
- 36 the private business community. The state board of accounts may
- 37 not go beyond the requirements imposed upon the state board of
- 38 accounts by statute in reviewing the budget and accounting
- 39 system used by a freeway school corporation or a freeway school.
- 40 (4) Establish a professional development and technology fund to
- 41 be used for:
- 42 (A) professional development; or

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(B) technology, including video distance learning.

However, any money deposited in the professional development and technology fund for technology purposes must be transferred to the school technology fund established under IC 21-2-18.

(5) Subject to subdivision (4), transfer funds obtained from sources other than state or local government taxation among any accounts of the school corporation, including a professional development and technology fund established under subdivision (4).

(6) Transfer funds obtained from property taxation and from state distributions among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this subdivision.

(B) This subdivision does not allow a school corporation to transfer to any other fund money from the:

- (i) capital projects fund (established under IC 21-2-15); or
- (ii) debt service fund (established under IC 21-2-4).

(7) Establish a locally adopted assessment program to replace the assessment of students under the ~~ISTEP~~ **assessment** program established under IC 20-32-5-15, subject to the following:

(A) A locally adopted assessment program must be established by the governing body and approved by the department.

(B) A locally adopted assessment program may use a locally developed test or a nationally developed test.

(C) Results of assessments under a locally adopted assessment program are subject to the same reporting requirements as results under the ~~ISTEP~~ **assessment** program **established under IC 20-32-5-15.**

(D) Each student who completes a locally adopted assessment program and the student's parent have the same rights to inspection and rescoring as set forth in IC 20-32-5-9.

SECTION 12. IC 20-26-15-7, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The minimum educational benefits that a freeway school corporation or a freeway school must produce under this chapter are the following:

- (1) An average attendance rate that increases:

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(A) not less than two percent (2%) each school year until the average attendance rate is eighty-five percent (85%); and

(B) one percent (1%) each school year until the average attendance rate is ninety percent (90%).

(2) A successful completion rate of the assessment program by meeting essential standards under the **ISTEP assessment** program (IC 20-32-5) or a locally adopted assessment program established under section 6(7) of this chapter that increases:

(A) not less than two percent (2%) each school year until the successful completion rate is not less than eighty-five percent (85%); and

(B) one percent (1%) each school year until the successful completion rate is not less than ninety percent (90%);

of the students in the designated grade levels under the **ISTEP** assessment program (IC 20-32-5) or the locally adopted assessment program that are grades contained in the freeway school corporation or freeway school.

(3) Beginning with the class of students who expect to graduate four (4) years after a freeway school corporation or a freeway school that is a high school obtains freeway status, a graduation rate as determined under 511 IAC 6.1-1-2(k) that increases:

(A) not less than two percent (2%) each school year until the graduation rate is not less than eighty-five percent (85%); and

(B) one percent (1%) each school year until the graduation rate is ninety percent (90%).

After a freeway school corporation or a freeway school has achieved the minimum rates required under subdivisions (1) through (3), the freeway school corporation or freeway school must either maintain the minimum required rates or show continued improvement of those rates.

SECTION 13. IC 20-28-8-5, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The evaluation of a principal's performance may not be based wholly on the **ISTEP assessment** program test scores under IC 20-32-5 of the students enrolled at the principal's school. However, the **ISTEP assessment** program test scores under IC 20-32-5 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.

SECTION 14. IC 20-28-11-3, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Each plan:

(1) must provide for the improvement of the performance of the

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1 individuals evaluated;

2 (2) must provide for the growth and development of the
3 individuals evaluated;

4 (3) must require periodic assessment of the effectiveness of the
5 plan;

6 (4) must provide that nonpermanent and semipermanent teachers
7 receive:

8 (A) an evaluation on or before December 31 each year; and

9 (B) if requested by that teacher, an additional evaluation on or
10 before March 1 of the following year; and

11 (5) may provide a basis for making employment decisions.

12 However, the plan may not provide for an evaluation that is based in
13 whole or in part on the ~~ISTEP~~ **assessment** program test scores of the
14 students in the school corporation.

15 SECTION 15. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2006]: Sec. 2.2. (a) As used in this section, "eligible student"
18 means a student in grade 11 or 12 who has:

19 (1) failed the ~~ISTEP~~ **assessment program** graduation exam at
20 least twice;

21 (2) been determined to be chronically absent, by missing more
22 than ten (10) unexcused days of school in one (1) school year;

23 (3) been determined to be a habitual truant, as identified under
24 IC 20-33-2-11;

25 (4) been significantly behind in credits for graduation, as
26 identified by an individual's school principal;

27 (5) previously undergone at least a second suspension from school
28 for the school year under IC 20-33-8-14 or IC 20-33-8-15;

29 (6) previously undergone an expulsion from school under
30 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

31 (7) been determined by the individual's principal and the
32 individual's parent or guardian to benefit by participating in the
33 school flex program.

34 (b) An eligible student who participates in a school flex program
35 must:

36 (1) attend school for at least three (3) hours of instructional time
37 per school day;

38 (2) pursue a timely graduation;

39 (3) provide evidence of college or technical career education
40 enrollment and attendance or proof of employment and labor that
41 is aligned with the student's career academic sequence under rules
42 established by the Indiana bureau of child labor;

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(4) not be suspended or expelled while participating in a school flex program;

(5) pursue course and credit requirements for a general diploma; and

(6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program.

(d) If one (1) or more students participate in a school flex program, the principal shall, on forms provided by the department, submit a yearly report to the department of student participation and graduation rates of students who participate in the school flex program.

SECTION 16. IC 20-31-3-1, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The state board shall adopt clear, concise, and jargon free state academic standards that are comparable to national and international academic standards. These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:

(1) English/language arts.

(2) Mathematics.

(3) Social studies.

(4) Science.

For grade levels tested under the ~~ISTEP~~ **assessment** program, the academic standards must be based in part on the results of the ~~ISTEP~~ **assessment** program.

SECTION 17. IC 20-31-4-10, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) During its onsite evaluation, a review panel shall review the following for a school:

(1) Teaching practices and administrative leadership in instruction.

(2) Parental and community involvement.

(3) Implementation of the ~~ISTEP~~ **assessment** remediation program under IC 20-32-8 and the educational opportunity program for at-risk children.

(4) The homework policy.

(b) In addition to its review under subsection (a), the review panel shall verify compliance with the legal standards for accreditation under section 6 of this chapter.

SECTION 18. IC 20-31-5-4, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 4. (a) A plan must:

- (1) state objectives for a three (3) year period; and
- (2) be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

- (1) Attendance rate.
- (2) The percentage of students meeting academic standards under the ~~ISTEP~~ **assessment** program (IC 20-31-3 and IC 20-32-5).
- (3) For a secondary school, graduation rate.

(c) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(e) A plan must note specific areas where improvement is needed immediately.

SECTION 19. IC 20-31-5-6, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A plan must contain the following components for the school:

- (1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
- (2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
- (3) A description and name of the assessments that will be used in the school in addition to ~~ISTEP tests under the assessment program.~~ **assessments.**
- (4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
- (5) A provision to maximize parental participation in the school, which may include providing parents with:
 - (A) access to learning aids to assist students with school work at home;
 - (B) information on home study techniques; and
 - (C) access to school resources.
- (6) For a secondary school, a provision to do the following:
 - (A) Offer courses that allow all students to become eligible to

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1 receive an academic honors diploma.

2 (B) Encourage all students to earn an academic honors
3 diploma or complete the Core 40 curriculum.

4 (7) A provision to maintain a safe and disciplined learning
5 environment for students and teachers.

6 (8) A provision for the coordination of technology initiatives and
7 ongoing professional development activities.

8 (b) If, for a purpose other than a plan under this chapter, a school
9 has developed materials that are substantially similar to a component
10 listed in subsection (a), the school may substitute those materials for
11 the component listed in subsection (a).

12 SECTION 20. IC 20-31-7-4, AS ADDED BY P.L.1-2005,
13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2006]: Sec. 4. (a) The student educational achievement fund
15 is established to provide funds to stimulate and recognize improved
16 student performance in meeting academic standards under the ~~ISTEP~~
17 **assessment** program. The fund is administered by the department.

18 (b) The fund consists of appropriations from the general assembly.

19 (c) Money in the fund at the end of a state fiscal year does not revert
20 to the state general fund.

21 SECTION 21. IC 20-31-7-6, AS ADDED BY P.L.1-2005,
22 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2006]: Sec. 6. The education roundtable shall recommend to
24 the state board a system for awarding and distributing grants under this
25 chapter. A system recommended under this section must be based on
26 graduated levels of improvement based on ~~ISTEP~~ **assessment** program
27 standards and other assessments recommended and approved by the
28 education roundtable.

29 SECTION 22. IC 20-31-8-1, AS ADDED BY P.L.1-2005,
30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2006]: Sec. 1. (a) The performance of a school's students on
32 the ~~ISTEP~~ **assessment** program test and other assessments
33 recommended by the education roundtable and approved by the state
34 board are the primary and majority means of assessing a school's
35 improvement.

36 (b) The education roundtable shall examine and make
37 recommendations to the state board concerning:

38 (1) performance indicators to be used as a secondary means of
39 determining school progress;

40 (2) expected progress levels, continuous improvement measures,
41 distributional performance levels, and absolute performance
42 levels for schools; and

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(3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The education roundtable shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

SECTION 23. IC 20-31-8-2, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) In addition to scores on the ~~ISTEP~~ **assessment** program test and other assessments, the department shall use the performance indicators developed under section 1 of this chapter and the benchmarks and indicators of performance in each school corporation's annual performance report as a secondary means of assessing the improvement of each school and school corporation.

(b) The department shall assess improvement in the following manner:

(1) Compare each school and each school corporation with its own prior performance and not to the performance of other schools or school corporations.

(2) Compare the results in the annual report under IC 20-20-8 with the benchmarks and indicators of performance established in the plan for the same school.

(3) Compare the results for a school by comparing each student's results for each grade with the student's prior year results, with an adjustment for student mobility rate. The education roundtable shall make recommendations concerning the incorporation of a statistical adjustment for student mobility rates into the results.

(4) Compare the results for a school with the state average and the ninety-fifth percentile level for all assessments and performance indicators.

SECTION 24. IC 20-32-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. As used in this chapter, "assessment" refers to the Measures of Academic Progress assessments developed for use in Indiana by the Northwest Evaluation Association.**

SECTION 25. IC 20-32-5-1, AS ADDED BY P.L.246-2005, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The purposes of the ~~ISTEP~~ **assessment** program developed under this chapter are as follows:

(1) To assess the strengths and weaknesses of school performance.

(2) To assess the effects of state and local educational programs.

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(3) To compare achievement of Indiana students to achievement of students on a national basis.

(4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:

(A) The overall academic progress of students.

(B) The need for new or revised educational programs.

(C) The need to terminate existing educational programs.

(D) Student readiness for postsecondary school experiences.

(E) Overall curriculum development and revision activities.

(F) Identifying students who may need remediation under IC 20-32-8.

(G) Diagnosing individual student needs.

(H) Teacher education and staff development activities.

SECTION 26. IC 20-32-5-2, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **ISTEP Assessment** program testing shall be administered in the following subject areas:

(1) English/language arts.

(2) Mathematics.

(3) Science, in grade levels determined by the state board.

(4) Social studies, in grade levels determined by the state board.

SECTION 27. IC 20-32-5-3, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. To carry out the purposes described in section 1 of this chapter, each English/language arts and mathematics test developed for use under the **ISTEP assessment** program test must include the following:

(1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.

(2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.

(3) A method of testing and grading that will allow comparison with national and international academic standards.

SECTION 28. IC 20-32-5-4, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The state board shall:

(1) authorize the development and implementation of the **ISTEP assessment** program; and

(2) determine the date on which the statewide testing is administered in each school corporation.

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(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the **ISTEP assessment** program.

(c) The department shall prepare detailed design specifications for the **ISTEP assessment** program that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

SECTION 29. IC 20-32-5-5, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The department shall make general language arts essay scoring rubrics available to the public at least four (4) months before the administration of a test. An essay question, a scoring rubric, or an anchor paper used in the **ISTEP assessment** program must comply with the following:

(1) For an essay question, have a prompt that is taken from:

(A) a textbook on the state textbook adoption list included in IC 20-20-5; or

(B) a source other than a source listed in clause (A) that is approved by the **ISTEP assessment** program citizens' review committee established under IC 20-32-6.

(2) Not seek or compile information about a student's:

(A) personal attitudes;

(B) political views;

(C) religious beliefs;

(D) family relationships; or

(E) other matters listed in IC 20-30-5-17(b).

The **ISTEP assessment** program citizens' review committee shall determine whether an essay question or a scoring rubric complies with this subdivision.

SECTION 30. IC 20-32-5-6, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The scoring of student responses under an **ISTEP assessment** program test:

(1) must measure student achievement relative to the academic standards established by the state board;

(2) must adhere to scoring rubrics and anchor papers; and

(3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

SECTION 31. IC 20-32-5-9, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

(1) Give each student and the student's parent the student's ~~ISTEP~~ **assessment** program test scores.

(2) Make available for inspection to each student and the student's parent the following:

(A) A copy of the essay questions and prompts used in assessing the student.

(B) A copy of the student's scored essays.

(C) A copy of the anchor papers and scoring rubrics used to score the student's essays.

A student's parent may request a rescoring of a student's responses to a test, including a student's essay.

(b) A student's ~~ISTEP~~ **assessment** program scores may not be disclosed to the public.

SECTION 32. IC 20-32-5-11, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Each school corporation shall compile the total results of the ~~ISTEP~~ **assessment** program tests in a manner that will permit evaluation of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent of each student tested under the ~~ISTEP~~ **assessment** program.

SECTION 33. IC 20-32-5-12, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including ~~ISTEP~~ **assessment** program test scores, in a manner that a reasonable person can easily read and understand.

SECTION 34. IC 20-32-5-13, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. The school corporation shall provide the ~~ISTEP~~ **assessment** program test results on a school by school basis to the department upon request.

SECTION 35. IC 20-32-5-14, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. Upon request by the commission for higher education, the department shall provide ~~ISTEP~~ **assessment** program test results to the commission for those students for whom the

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commission under 20 U.S.C. 1232g has obtained consent.

SECTION 36. IC 20-32-5-15, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The state superintendent shall develop an **ISTEP assessment** program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student in grade 10 must take a graduation examination.

(b) The state board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.

SECTION 37. IC 20-32-5-16, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A student who is a child with a disability (as defined in IC 20-35-1-2) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing or a part of the testing under this chapter is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(b) Any decision concerning a student who is a child with a disability (as defined in IC 20-35-1-2) regarding the student's:

(1) participation in testing under this chapter;

(2) receiving accommodations in testing materials and procedures;

(3) participation in remediation under IC 20-32-8; or

(4) retention at the same grade level for consecutive school years; shall be made in accordance with the student's individualized education program in compliance with the **ISTEP assessment** program manual and federal law.

SECTION 38. IC 20-32-5-17, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) If a nonpublic school seeks accreditation as authorized under IC 20-19-2-8(a)(5), the governing body of the nonpublic school is entitled to acquire at no charge from the department:

(1) the **ISTEP assessment** program test; and

(2) the scoring reports used by the department.

(b) The nonpublic school seeking accreditation must:

(1) administer the **ISTEP assessment** program test to its students at the same time that school corporations administer the test; and

(2) make available to the department the results of the **ISTEP assessment** program testing.

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1 SECTION 39. IC 20-32-6-1, AS ADDED BY P.L.1-2005,
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2006]: Sec. 1. As used in this chapter, "committee" refers to
 4 the ~~ISTEP~~ **assessment** program citizens' review committee.

5 SECTION 40. IC 20-32-6-2, AS ADDED BY P.L.1-2005,
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2006]: Sec. 2. The ~~ISTEP~~ **assessment** program citizens'
 8 review committee is established.

9 SECTION 41. IC 20-32-6-8, AS ADDED BY P.L.1-2005,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2006]: Sec. 8. The committee shall review the following that
 12 the department proposes for use in the ~~ISTEP~~ **assessment** program:

13 (1) Essay questions and prompts.

14 (2) Scoring rubrics.

15 The committee must review an item listed in subdivisions (1) and (2)
 16 before the item is used in a test.

17 SECTION 42. IC 20-32-6-9, AS ADDED BY P.L.1-2005,
 18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2006]: Sec. 9. The committee must reach a consensus on each
 20 item listed in section 8 of this chapter before the item may be used in
 21 the ~~ISTEP~~ **assessment** program.

22 SECTION 43. IC 20-32-8-11, AS ADDED BY P.L.1-2005,
 23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2006]: Sec. 11. Notwithstanding the requirements of this
 25 chapter, any decisions made with regard to:

26 (1) attendance in a remediation program;

27 (2) ~~ISTEP~~ **assessment** program testing; and

28 (3) the grade level placement;

29 for a student who is a child with a disability (as defined in
 30 IC 20-35-1-2) shall be made in accordance with the individualized
 31 education program, state law, and federal law.

32 SECTION 44. IC 20-33-2-13, AS ADDED BY P.L.1-2005,
 33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2006]: Sec. 13. (a) A school corporation shall record or
 35 include the following information in the official high school transcript
 36 for a student in high school:

37 (1) Attendance records.

38 (2) The student's latest ~~ISTEP~~ **assessment** program test results
 39 under IC 20-32-5.

40 (3) Any secondary level and postsecondary level certificates of
 41 achievement earned by the student.

42 (4) Immunization information from the immunization record the

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1 student's school keeps under IC 20-34-4-1.

2 (b) A school corporation may include information on a student's
3 high school transcript that is in addition to the requirements of
4 subsection (a).

5 SECTION 45. IC 20-18-2-10 IS REPEALED [EFFECTIVE JULY
6 1, 2006].

7 SECTION 46. [EFFECTIVE JULY 1, 2006] (a) **As used in this**
8 **SECTION:**

9 (1) "department" refers to the department of education
10 established by IC 20-19-3-1; and

11 (2) "superintendent" refers to the state superintendent of
12 public instruction.

13 (b) The department shall enter into a contract with the
14 Northwest Evaluation Association to develop a Measures of
15 Achievement Program assessment program under IC 20-32-5, as
16 amended by this act, for use in Indiana.

17 (c) Notwithstanding IC 20-32-5, as amended by this act, the
18 superintendent may continue to administer the ISTEP assessment
19 program developed under IC 20-32-5 (before its amendment by
20 this act) until suitable assessments are developed under subsection
21 (b) and IC 20-32-5, as amended by this act.

22 (d) This SECTION expires July 1, 2009.

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